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9	UNITED STATES DISTRICT COURT			
10	CENTRAL DISTRICT OF CALIFORNIA - EASTERN DIVISION			
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15	5 JAY JOHNSON, ED C	V 10-007	58-JFW (SH)	
16	6 JUDO	GMENT		
17	7   Plaintiff, {			
18	8 v.			
19	OF INDIO, et al.,			
20	Defendants,			
21	The Records of this Court indicate that this action is not being diligently			
22	prosecuted by plaintiff.			
23	On January 7, 2011, this Court ordered plaintiff to show cause why the			
24	action should not be dismissed for failure to diligently prosecute. (See 1/7/11			
25	Order for Status Report). No response has been filed.			
26	Plaintiff has failed to inform the Court of the status of his Ninth Circuit			
27	appeal of CV 10-326 and whether he wishes to proceed with this case.			
28	8		•	•

Accordingly, the Complaint should be dismissed. In reaching this conclusion, the court has weighed the relevant factors: "(1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases on their merits, and (5) the availability of less drastic sanctions." Carey v. King, 856 F.2d 1439, 1440 (9th Cir. 1988). For the foregoing reasons, this action is dismissed without prejudice. DATED: \_2.4.11 Presented by, Dated: February 1, 2011